

## Remarks

Claims 1-24 were pending in the application. All the pending claims were either objected to or rejected for the various reasons described in the Office Action and summarized below. Claims 1-24 were canceled without prejudice or disclaimer to the subject matter contained therein. Claims 25-74 have been added. Claims 25, 40, 49, 64, 73 and 74 are the independent claims.

The Examiner objected to claim 14 for the informalities noted by in the Office Action. This claim has been canceled without prejudice or disclaimer to the subject matter contained therein. It is submitted that the objection is not applicable to the newly added claims.

The Examiner rejected claim 17 under 35 USC 112, second paragraph, as being indefinite due to the informalities noted in the Office Action. This claim has been canceled without prejudice or disclaimer to the subject matter contained therein. It is submitted that the rejection is not applicable to the newly added claims because on page 25 (lines 21-28) of the specification support is provided for the claim language of a “splice window”.

The Examiner rejected under 35 USC 102(b) claims 1, 2, 5, 6, 12 14-22 and 24 as being anticipated by *Picco et al.* (USP 6,029,045). The Examiner rejected under 35 USC 103(a) claim 3 as being unpatentable over *Picco et al.* in view of *Guyot et al.* (USP 6,119,098); claim 4 as being unpatentable over *Picco et al.* in view of *Guyot et al.* and *Naruto et al.* (USP 6,724,974); claims 7-11 as being unpatentable over *Picco et al.* in view of *Hendricks et al.* (USP 6,738,978); and claims 13 and 23 as being unpatentable over *Picco et al.* in view of *Nemirofsky et al.* (USP 6,029,045). The Applicant believes that the pending claims (claims 1-24) are patentable over the cited references, however in an attempt to expedite prosecution of the application the Applicant has canceled claims 1-24 without prejudice or disclaimer to the subject matter contained therein. Claims 25-74 have been added and it is respectfully submitted that the newly added claims are clearly patentable over the cited references for reasons that will be defined below.

Independent claim 25 is directed to a method for selectively storing targeted advertisements at subscriber equipment. The method includes receiving a grouping assignment relating the subscriber equipment to a targeted group, the targeted group is formed from demographic information relating demographic factors associated with viewers of the subscriber

equipment. An advertisement transmission signal having a plurality of advertisements applicable to a plurality of groups is received. An advertisement of the plurality of advertisements contains a grouping indicator that is associates the advertisement to a targeted group. The grouping indicator is compared to the grouping assignment to determine if an advertisement is appropriate for a viewer of the subscriber equipment. The advertisement is retained when the grouping indicator matches the grouping assignment.

It is submitted that none of the cited references, either alone or in combination, disclose or suggest the embodiment of claim 25. For example, none of the cited references, whether taken alone or combination with one another, disclose or suggest receiving a grouping assignment relating subscriber equipment to at least one targeted group based on demographic data of subscriber equipment viewers, receiving a plurality of advertisements and a grouping indicator associating an advertisement to at least one targeted group, determining if an advertisement is appropriate by comparing the grouping indicator and the grouping assignment, and retaining an advertisement if the grouping indicator matches the grouping assignment.

Rather, *Picco et al.* disclose a method for selectively storing local content that includes receiving local content, determining the local content matches the subscriber equipment and storing the local content when it matches the subscriber equipment. *Picco et al.* further disclose (col. 7, line 5, to col. 8, line 6) a scheduler generates control signals that control the operation of the each set-top box using control signals referred to as content profiles. The content profile is used to determine which set-top boxes store the local content based upon geographic location such as region (western United States), an area within a region (a specific zip code), or a specific area (a town). Therefore, *Picco et al.* fails to disclose or suggest that the subscriber equipment receives a grouping assignment relating the subscriber equipment to at least one targeted group, wherein the at least one targeted group is formed from demographic information relating one or more demographic factors associated with viewers of the subscriber equipment.

*Guyot et al.* disclose an Internet advertising system that uses a queue of targeted advertisements to display advertisements when a subscriber is on the Internet. The server acts to download advertisements to the subscriber equipment when a subscriber accesses a server. A processor monitors subscriber activity, such as keyboard activity, and uses the information

related to the subscriber activity to schedule the display of advertisements from the queue (see col. 5, lines 6-11). A system control monitors the queue to determine if the queue reaches a low-level (see col. 7, lines 12-24) and connects to the server to receive additional advertisements to refill the queue (Fig. 6B, steps S630 to S670). In other words, *Guyot et al.* discloses a processor, responsive to user activity, for displaying advertisements to a subscriber without the need to assign the advertisement to groups or the subscriber to a targeted group. Thus, *Guyot et al.* fails to disclose or suggest that the subscriber equipment receives a grouping assignment relating the subscriber equipment to at least one targeted group, wherein the at least one targeted group is formed from demographic information relating one or more demographic factors associated with viewers of the subscriber equipment.

Moreover, even assuming arguendo that the Examiner could somehow construe *Guyot et al.* to disclose the subscriber equipment that receives a grouping assignment relating the subscriber equipment to at least one targeted group that is formed from demographic information (without acknowledging or conceding such), the Examiner's motivation to combine the references is erroneous. The Examiner states (see p. 9 of the Office Action) that the teachings of *Guyot et al.* benefit *Picco et al.* for the benefit of "displaying a received advertisement on a display device until a specified expiration date in a method of storing targeted advertisement." The Applicant respectfully submits that it is unclear as to how the alleged advantages improve the system of *Picco et al.* because the system of *Picco et al.* is capable of controlling content and updating advertisements without modification. Additionally, *Picco et al.* discloses (see col. 6, lines 57 to col. 7, line 5) that the local content (the advertisement) has an expiration date and a maximum number of times it may be viewed and thus the stated advantage is not desirable in the system of *Picco et al.*

*Naruto et al.* disclose an image data management system that deletes image files from a hard drive when the use period of the image file has expired. *Naruta et al.* fails to disclose or suggest the deficiencies of *Picco et al.* or *Guyot et al.*

*Hendricks et al.* disclose a system and method for targeting advertisements that includes receiving data and gathering user information including demographics. The user data is processed to generate a package of advertisements and account information. The cable head end

uses the information to modify signals and generates a package of advertisements (see Abstract, and col. 24, lines 9-24) for delivery to the subscriber. Thus, *Hendricks et al.* fails to disclose or suggests receiving a grouping assignment relating subscriber equipment to a targeted group, receiving advertisements having a grouping indicator associating the advertisement with a targeted group, determining if an advertisement is appropriate by comparing the grouping indicator to the grouping assignment, and retaining the advertisement when the grouping indicator matches the grouping assignment.

*Nemirofsky et al.* disclose a video distribution system that distributes video signals to a plurality of businesses dispersed over a wide geographical region. However, *Nemirofsky et al.* fails to disclose or suggest any of the deficiencies of the *Picco et al.*, *Guyot et al.* or *Hendricks et al.*

For at least the reasons addressed above, it is submitted that independent claim 25 is clearly patentable over the cited references. Claims 26-39 depend from independent claim 25. It is submitted that claims 26-39 are clearly patentable over the cited references for the reasons addressed above with respect to claim 25 and for the further features recited therein.

Independent claim 40 is directed to an advertisement management system including a targeted advertising generator for transmitting a plurality of advertisements over a signal path. An advertisement contains a grouping indicator associating the advertisement to a targeted group. Subscriber equipment receives the plurality of advertisements and has a grouping assignment relating to at least one targeted group that is formed from demographic information relating one or more demographic factors associated with viewers of the subscriber equipment. A processor determines if an advertisement is appropriate for the subscriber equipment by comparing the grouping indicator to the grouping assignment. A storage device stores the advertisement when the grouping indicator matches the grouping assignment.

As discussed above with respect to claim 25, it is submitted that none of the cited references, either alone or in combination, disclose or suggest the embodiment of claim 40. For example, none of the cited references, whether taken alone or combination with one another, disclose or suggest a targeted advertising generator for transmitting a plurality of advertisements wherein an advertisement contains a grouping indicator, subscriber equipment, having a grouping

assignment, for receiving the plurality of advertisements, a processor for determining if an advertisement is appropriate for a viewer of the subscriber equipment by comparing the grouping indicator to the grouping assignment, and a storage device for storing the advertisement when the grouping indicator matches the grouping assignment.

For at least the reasons addressed above, it is submitted that independent claim 40 is clearly patentable over the cited references. Claims 41-48 depend from independent claim 40. It is submitted that claims 41-48 are clearly patentable over the cited references for the reasons addressed above with respect to claim 40 and for the further features recited therein.

Independent claim 49 is directed to a method for selectively storing targeted advertisements at subscriber equipment. The method includes receiving a grouping assignment relating the subscriber equipment to a targeted group, the targeted group is formed from psychographic information relating psychographic factors associated with viewers of the subscriber equipment. An advertisement transmission signal having a plurality of advertisements applicable to a plurality of groups is received. An advertisement of the plurality of advertisements contains a grouping indicator that is associates the advertisement to a targeted group. The grouping indicator is compared to the grouping assignment to determine if an advertisement is appropriate for a viewer of the subscriber equipment. The advertisement is retained when the grouping indicator matches the grouping assignment.

It is submitted that none of the cited references, either alone or in combination, disclose or suggest the embodiment of claim 49. For example, none of the cited references, whether taken alone or combination with one another, disclose or suggest receiving a grouping assignment relating subscriber equipment to at least one targeted group based on psychographic data of subscriber equipment viewers, receiving a plurality of advertisements and a grouping indicator associating an advertisement to at least one targeted group, determining if an advertisement is appropriate by comparing the grouping indicator and the grouping assignment, and retaining an advertisement if the grouping indicator matches the grouping assignment.

Rather, *Picco et al.* disclose a method for selectively storing local content that includes receiving local content, determining the local content matches the subscriber equipment and storing the local content when it matches the subscriber equipment. *Picco et al.* further disclose

(col. 7, line 5, to col. 8, line 6) a scheduler generates control signals that control the operation of the each set-top box using control signals referred to as content profiles. The content profile is used to determine which set-top boxes store the local content based upon geographic location such as region (western United States), an area within a region (a specific zip code), or a specific area (a town). Therefore, *Picco et al.* fails to disclose or suggest that the subscriber equipment receives a grouping assignment relating the subscriber equipment to at least one targeted group, wherein the at least one targeted group is formed from psychographic information relating one or more psychographic factors associated with viewers of the subscriber equipment.

*Guyot et al.* disclose an Internet advertising system that uses a queue of targeted advertisements to display advertisements when a subscriber is on the Internet. The server acts to download advertisement to the subscriber equipment when a subscriber accesses a server. A processor monitors subscriber activity, such as keyboard activity, and uses the information related to the subscriber activity to schedule the display of advertisements from the queue (see col. 5, lines 6-11). A system control monitors the queue to determine if the queue reaches a low-level (see col. 7, lines 12-24) and connects to the server to receive additional advertisements to refill the queue (Fig. 6B, steps S630 to S670). In other words, *Guyot et al.* discloses a processor, responsive to user activity, for displaying advertisements to a subscriber without the need to assign the advertisement to groups or the subscriber to a targeted group. Thus, *Guyot et al.* fails to disclose or suggest that the subscriber equipment receives a grouping assignment relating the subscriber equipment to at least one targeted group, wherein the at least one targeted group is formed from psychographic information relating one or more psychographic factors associated with viewers of the subscriber equipment.

Moreover, even assuming arguendo that the Examiner could somehow construe *Guyot et al.* to disclose the subscriber equipment that receives a grouping assignment relating the subscriber equipment to at least one targeted group that is formed from demographic information (without acknowledging or conceding such), the Examiner's motivation to combine the references is erroneous. The Examiner states (see p. 9 of the Office Action) that the teachings of *Guyot et al.* benefit *Picco et al.* for the benefit of "displaying a received advertisement on a display device until a specified expiration date in a method of storing targeted advertisement." The Applicant respectfully submits that it is unclear as to how the alleged advantages improve

the system of *Picco et al.* because the system of *Picco et al.* is capable of controlling content and updating advertisements without modification. Additionally, *Picco et al.* discloses (see col. 6, lines 57 to col. 7, line 5) that the local content (the advertisement) has an expiration date and a maximum number of times it may be viewed, thus the stated advantage is not desirable in the system of *Picco et al.*

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*Hendricks et al.* disclose a system and method for targeting advertisement that includes receiving data and gathering user information including demographics. The user data is processed to generate a package of advertisements and account information. The cable head end uses the information to modify signals and generates a package of advertisements (see Abstract, and col. 24, lines 9-24) for delivery to the subscriber. Thus, *Hendricks et al.* fails to disclose or suggest receiving a grouping assignment relating subscriber equipment to a targeted group based on psychographic factors, receiving advertisements having a grouping indicator associating the advertisement with a targeted group, determining if an advertisement is appropriate by comparing the grouping indicator to the grouping assignment, and retaining the advertisement when the grouping indicator matches the grouping assignment.

*Nemirofsky et al.* disclose a video distribution system that distributes video signals to a plurality of businesses dispersed over a wide geographical region. However, *Nemirofsky et al.* fails to disclose or suggest any of the deficiencies of the *Picco et al.*, *Guyot et al.* or *Hendricks et al.*

For at least the reasons addressed above, it is submitted that independent claim 49 is clearly patentable over the cited references. Claims 58-63 depend from independent claim 49. It is submitted that claims 58-63 are clearly patentable over the cited references for the reasons addressed above with respect to claim 25 and for the further features recited therein.

Independent claim 64 is directed to an advertisement management system including a targeted advertising generator for transmitting a plurality of advertisements over a signal path. An advertisement contains a grouping indicator associating the advertisement to a targeted group.

Subscriber equipment receives the plurality of advertisements and has a grouping assignment relating to at least one targeted group that is formed from psychographic information relating one or more psychographic factors associated with viewers of the subscriber equipment. A processor determines if an advertisement is appropriate for the subscriber equipment by comparing the grouping indicator to the grouping assignment. A storage device stores the advertisement when the grouping indicator matches the grouping assignment.

As discussed above with respect to claim 49, it is submitted that none of the cited references, either alone or in combination, disclose or suggest the embodiment of claim 64. For example, none of the cited references, whether taken alone or combination with one another, disclose or suggest a targeted advertising generator for transmitting a plurality of advertisements wherein an advertisement contains a grouping indicator, subscriber equipment, having a grouping assignment, for receiving the plurality of advertisements, a processor for determining if an advertisement is appropriate for a viewer of the subscriber equipment by comparing the grouping indicator to the grouping assignment, and a storage device for storing the advertisement when the grouping indicator matches the grouping assignment.

For at least the reasons addressed above, it is submitted that independent claim 64 is clearly patentable over the cited references. Claims 65-72 depend from independent claim 64. It is submitted that claims 65-72 are clearly patentable over the cited references for the reasons addressed above with respect to claim 64 and for the further features recited therein

Independent claim 73 is directed to a computer program embodied on a computer-readable medium for selectively storing targeted advertisements at subscriber equipment. The program includes a code segment for receiving a grouping assignment relating the subscriber equipment to a targeted group, the targeted group is formed from demographic information relating demographic factors associated with viewers of the subscriber equipment. A code segment processes a received advertisement transmission signal having a plurality of advertisements applicable to a plurality of groups is received. An advertisement of the plurality of advertisements contains a grouping indicator that is associates the advertisement to a targeted group. A code segment compares the grouping indicator to the grouping assignment to



determine if an advertisement is appropriate for a viewer of the subscriber equipment. A code segment retains the advertisement when the grouping indicator matches the grouping assignment.

As discussed above with respect to claim 25, it is submitted that none of the cited references, either alone or in combination, disclose or suggest the embodiment of claim 73. For example, none of the cited references, whether taken alone or combination with one another, disclose or suggest a code segment for receiving a grouping assignment relating subscriber equipment to at least one targeted group based on demographic data of subscriber equipment viewers, a code segment for receiving a plurality of advertisements and a grouping indicator associating an advertisement to at least one targeted group, a code segment determining if an advertisement is appropriate by comparing the grouping indicator and the grouping assignment, and a code segment for retaining an advertisement if the grouping indicator matches the grouping assignment.

For at least the reasons addressed above, it is submitted that independent claim 73 is clearly patentable over the cited references.

Independent claim 74 is directed to a computer program embodied on a computer-readable medium for selectively storing targeted advertisements at subscriber equipment. The program includes a code segment for receiving a grouping assignment relating the subscriber equipment to a targeted group, the targeted group is formed from psychographic information relating psychographic factors associated with viewers of the subscriber equipment. A code segment processes a received advertisement transmission signal having a plurality of advertisements applicable to a plurality of groups is received. An advertisement of the plurality of advertisements contains a grouping indicator that is associates the advertisement to a targeted group. A code segment compares the grouping indicator to the grouping assignment to determine if an advertisement is appropriate for a viewer of the subscriber equipment. A code segment retains the advertisement when the grouping indicator matches the grouping assignment.

As discussed above with respect to claim 49, it is submitted that none of the cited references, either alone or in combination, disclose or suggest the embodiment of claim 74. For example, none of the cited references, whether taken alone or combination with one another, disclose or suggest a code segment for receiving a grouping assignment relating subscriber

equipment to at least one targeted group based on psychographic data of subscriber equipment viewers, a code segment for receiving a plurality of advertisements and a grouping indicator associating an advertisement to at least one targeted group, a code segment determining if an advertisement is appropriate by comparing the grouping indicator and the grouping assignment, and a code segment for retaining an advertisement if the grouping indicator matches the grouping assignment.

For at least the reasons addressed above, it is submitted that independent claim 74 is clearly patentable over the cited references.

### Conclusion

For the foregoing reasons, Applicant respectfully submits that claims 25-74 are in condition for allowance. Accordingly, early allowance of claims 25-74 is earnestly solicited.

Should the Examiner believe that an Interview would help expedite prosecution of the application, the Examiner is requested to contact the undersigned attorney to schedule such an Interview.

Respectfully submitted,



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